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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/621,393

07/21/2000

Damian Porcari

199-1299

3533

28549

7590

04/15/2004

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EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 04/15/2004

19

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

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19

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Commissioner for Patents

See Attached Notice

Sam Rimell
Primary Examiner
Art Unit: 2175

Art Unit: 2175

The appeal brief filed on February 3, 2004 is accompanied by an amendment after final rejection. Both the brief and the amendment were submitted the same day, thus the Examiner must rule on both in this action.

(1) The amendment after final rejection is denied entry for raising new issues.

(2) The appeal brief is defective because it includes the version of the claims from the amendment after final rejection that has been denied entry. The appendix of the appeal brief must be amended to place the claims in the form that existed at the time of the final rejection. The status of the amendments after final rejection should also be updated in the appeal brief.

To avoid dismissal of the appeal, appellant must submit the necessary additional copies of the appeal brief within the longest of any of the following TIME PERIODS: (1) ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing of this communication; (2) within the time period for reply to the action from which appeal has been taken; or, (3) within two months from the date of the notice of appeal under 37 CFR 1.191. Extensions of these time periods may be granted under 37 CFR 1.136.



SAM RIMELL
PRIMARY EXAMINER